

January 16, 2003

By Electronic Submission

U.S. Department of Transportation
Docket Management System
400 7th Street, S.W., Room PL 401
Washington, D.C. 20590

**Re: Petition of Peninsula Airways, Inc. for an Extension of
FAA Exemption No. 6963A, Docket FAA-2000-8463**

Dear Sir or Madam:

Peninsula Airways, Inc. ("PenAir") hereby petitions the Administrator of the Federal Aviation Administration ("FAA"), pursuant to 14 C.F.R. Part 11, for an extension of Exemption No. 6963A issued on April 6, 2001, exempting PenAir from the requirements of 14 C.F.R. § 91.323(b)(4), to the extent necessary to allow PenAir to continue to operate one Grumman Goose G-21A amphibian aircraft, Registration No. N22932 at a maximum weight of 8,920 pounds.

Exemption No. 6963A terminates on May 31, 2003. PenAir respectfully requests that this exemption be extended for at least two additional years, through May 31, 2005. PenAir hereby incorporates by reference all relevant information previously submitted in its initial request (in Docket No. 29215) and its previous request for an extension. PenAir submits that further extension of this exemption is in the public interest and will provide an equivalent level of safety -- both findings that the FAA made in granting the initial and extended exemptions to PenAir.¹

Good cause exists for the FAA to act on this petition without delay, and without publishing a summary in the Federal Register or awaiting comments,

¹ FAA also made similar findings in granting an exemption to a similarly situated applicant. See Freshwater Adventures, Inc., FAA Regulatory Docket No. 29534, Exemption No. 7070, issued on November 5, 1999, and extended on November 6, 2001.

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pursuant to 14 C.F.R. § 11.87. No new precedent will be established by extending the existing exemption previously granted to PenAir. Moreover, good cause for forgoing publication and comment is further established in that PenAir is filing this petition in a timely manner, more than 120 days before the proposed effective date, as described in 14 C.F.R. § 11.63(d).

In filing this request for an extension, PenAir hereby invokes and relies upon the automatic extension provisions of the Administrative Procedure Act, 5 U.S.C. §558(c), to continue the effectiveness of PenAir's current exemption pending the FAA's final determination on this request.

PenAir continues to operate one G-21A fixed wing amphibian aircraft, Registration N22932, to provide air services (including Essential Air Service) from its Dutch Harbor base, via over water routings, to remote Alaskan communities among the Aleutian Islands that do not have runways.² FAA previously determined that issuing the exemption to PenAir was in the public interest. In granting the exemption, FAA recognized that the terrain of these remote locations is not conducive to runway construction, which is why these communities rely heavily on the G-21A fixed wing amphibian aircraft for important air services. If Exemption No. 6963A is not extended, PenAir will be forced to ground this airplane, thereby isolating the communities that rely on PenAir's service and causing serious hardship for the people who live and work in these areas. As a result, extension of Exemption No. 6963A with respect to N22932 continues to be in the public interest.

FAA previously determined that compliance with the conditions and limitations contained in the exemption would ensure an equivalent level of safety. PenAir will continue to comply with all of the conditions and limitations set forth in the initial exemption issued to PenAir permitting operation of the Grumman Goose G-21A amphibian aircraft pursuant to Exemption No. 6963, thereby ensuring an equivalent level of safety for the continuation of these operations.

WHEREFORE, for the foregoing reasons, PenAir respectfully submits that extension of Exemption No. 6963A for a minimum period of two years is in the

² As noted in its previous extension request, PenAir sold one G-21A (Registration No. N641) that was covered by the original exemption.

ShawPittman LLP

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public interest and will ensure an equivalent level of safety. As such, PenAir requests that the exemption be extended prior to the May 31, 2003 termination date.

Respectfully submitted,



Robert E. Cohn

Sheryl Israel

Counsel for Peninsula Airways, Inc.

Attachment

cc: Tom Penland, AFS-260
David Catey, AFS-200
Orin Seybert
Richard Harding

FEDERAL REGISTER SUMMARY

As stated in the foregoing petition, PenAir respectfully requests a waiver of the publication and comment requirements of 14 C.F.R. §11.87. Nevertheless, in accordance with § 11.81(f), a summary of this petition for an extension for publication in the Federal Register is as follows:

Docket No.: FAA-2000-8463
(formerly FAA Regulatory Docket 29515).

Petitioner: Peninsula Airways, Inc. (PenAir).

Section of the FAR Affected: 14 CFR 91.323(b)(4).

Description of Relief Sought: To extend Exemption No. 6963A to permit PenAir to continue to operate its Grumman Goose G-21A amphibian aircraft at a weight that is in excess of the airplane's maximum certificated weight.